
Canadian Forces Grievance Board

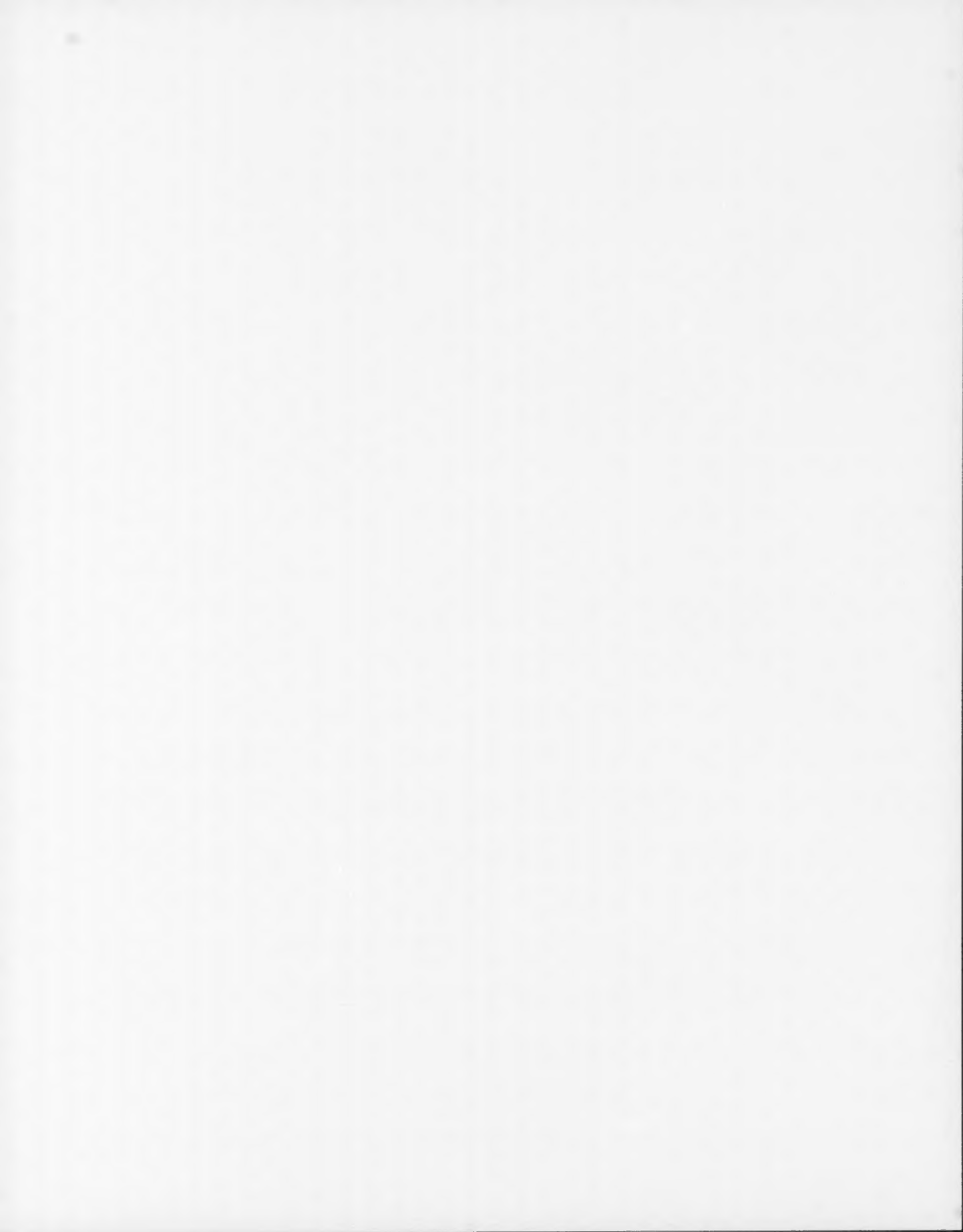


2012-13 Report on Plans and Priorities

The Honourable Peter G. MacKay
Minister of National Defence

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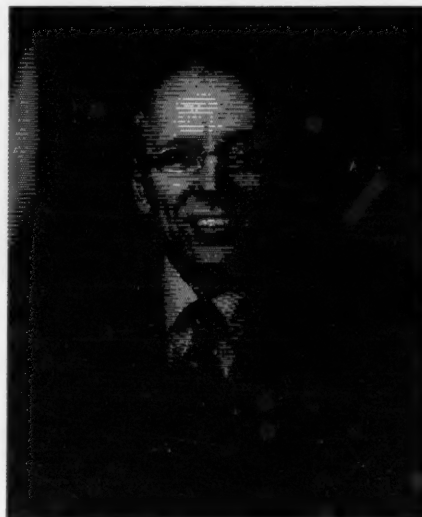


Chairperson's Message

As the Chairperson of the Canadian Forces Grievance Board (CFGB), I am pleased to submit the CFGB's Report on Plans and Priorities for 2012-13.

The CFGB 2012-13 RPP presents plans within a shifting environment with challenges ahead. We are facing significant fiscal limitations, including the implementation of the Strategic and Operating Review announced in Budget 2011.

During the next three years we will work to build an organization that is leaner and more agile, focusing on output and investing in the future. Our transformation agenda will be achieved by gains in productivity through improved business processes, strategic investments and by reducing administrative overhead with the reform of Information Management /Information Technology service delivery.



The Board will maintain readiness for the resumption of the trial of a new approach for the referral of grievances, which was launched as a test in 2011 but later put on hold by the Canadian Forces (CF). Under this "*principled approach*", the Canadian Forces refer to the Board all unresolved grievances that reach the Final Authority level, as opposed to those belonging to the four types identified by regulations and which represent approximately 40 % of all grievances at this final phase of the process. The Board remains committed to the "*principled approach*" which has proved beneficial to all parties involved and hopes it will be ultimately adopted by the CF as a way to provide equal access to an external review for all CF members.

The Board's focus will be to maximize operational efficiency and flexibility while ensuring timely production standards and the high quality of its Findings and Recommendations.

The Board is aware of the challenges that will arise from transforming a work environment, with reduced financial resources and the potential of changes in the grievance process which may lead to unexpected fluctuations in the volume of cases referred to the Board. However, the CFGB's team and I are fully ready to face these challenges and determined to succeed in fulfilling our mandate and contributing to a responsive, timely and fair grievance process.

Bruno Hamel
Chairperson

Section I – Organizational Overview

Raison d'être

The *raison d'être* of the Canadian Forces Grievance Board (CFGB or the Board) is to provide an independent and external review of military grievances. Section 29 of the *National Defence Act* (NDA) provides a statutory right for an officer or a non-commissioned member who has been aggrieved, to grieve a decision, an act or an omission in the administration of the affairs of the Canadian Forces (CF). The importance of this broad right cannot be overstated since it is, with certain narrow exceptions, the only formal complaint process available to CF members.

Responsibilities

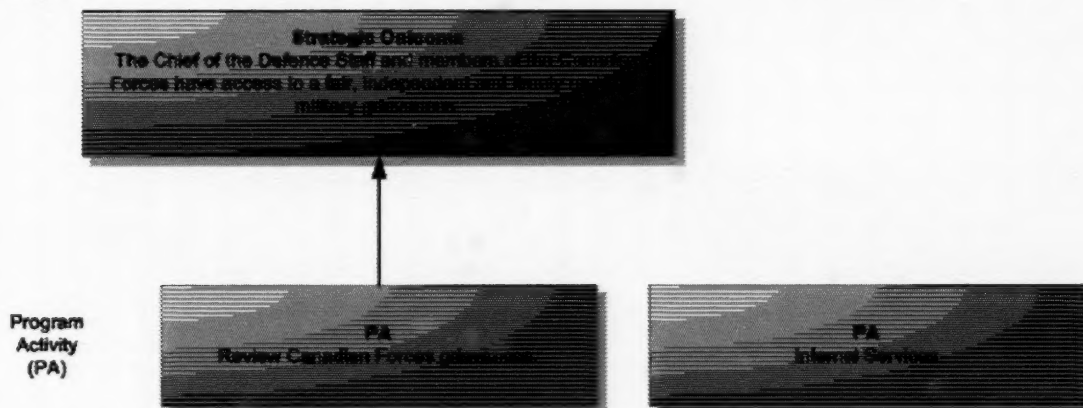
The Board is an independent administrative tribunal reporting to Parliament through the Minister of National Defence.

The Board reviews military grievances referred to it and provides findings and recommendations (F&Rs) to the Chief of the Defence Staff (CDS) and the officer or non-commissioned member who submitted the grievance.

The Board also has the obligation to deal with all matters before it as informally and expeditiously as the circumstances and the considerations of fairness permit.

Strategic Outcome and Program Activity Architecture (PAA)

Figure 1



Organizational Priorities

Priority	Type	Strategic Outcome
1. Operational Performance – Ensure optimum productivity and excellence	Ongoing	The Chief of the Defence Staff and members of the Canadian Forces have access to a fair, independent and timely review of military grievances.
Description		
<p>Why is this a priority?</p> <p>Ensure the high quality and timeliness of the Board's F&Rs and ongoing contribution to the fairness and efficiency of the grievance process.</p>		
<p>Plans for meeting the priority.</p> <ul style="list-style-type: none"> ▪ Work in cooperation with the CF to have all unresolved grievance files at the Final Authority (FA) level referred to the Board: Readiness for the resumption of the <i>"principled approach"</i> trial. ▪ 2nd independent review of the Bill C-25: review and assess any recommendations made by the Honourable Patrick J. LeSage that could potentially affect the operations of the Board. ▪ Manage and monitor production timelines. ▪ Assess the results and the potential impact on the Board of the report to Armed Forces Council (AFC) by the CF Integrated Conflict Management Working Group formed to "study all aspects of the broader CF approach to Conflict Management, with a view towards greater collaboration and integration." ▪ Conduct assessments of the Board's internal review processes and monitor workload planning assumptions: develop contingency plans in case of an increase or decrease in referrals. ▪ Assure the quality of F&Rs: Conduct analysis of the CDS Decisions as well as Federal Court decisions. 		

Priority	Type	Strategic Outcome
2. Communicate the function of the Board within the CF grievance process and the results of our review of grievances.	Ongoing	The Chief of the Defence Staff and members of the Canadian Forces have access to a fair, independent and timely review of military grievances.

Description

Why is this a priority?

Ensure that stakeholders have a better understanding of the Board's role within the CF grievance process. Share the Board's perspective on issues that came to our attention while reviewing grievances.

Plans for meeting the priority.

- Communicate the Board's role within the CF Grievance process through base visits and publications.
- Publish summaries of cases reviewed in the last three years as well as cases where recommendations on issues of systemic nature were made to the FA.
- Implement feedback tools and analyze results from stakeholders and target audiences.

Priority	Type	Strategic Outcome
3. Operational Performance – Maintain the overall effective management and leadership of the CFGB.	Ongoing	The Chief of the Defence Staff and members of the Canadian Forces have access to a fair, independent and timely review of military grievances.

Description

Why is this a priority?

Meet government-wide management and accountability priorities through management excellence and sound internal governance.

Plans for meeting the priority.

- Evaluate the impact of any changes to the grievance referral process on the organizational structure and align the Board's resources accordingly.
- Implement the initiative to enhance users' Information Technology (I.T.) tools, software and operating systems: upgrade options analysis and potential shared services offering for the Board's Records, Document and Information Management System (RDIMS); implement a desktop virtualization pilot project.
- Ensure safety and security of workplace and workforce: completion of the certification and accreditation of IT infrastructure; implement the recommendations of the Threat and Risk Assessment (TRA)

-
- Continue the implementation of the Board's 5 year Values and Ethics Plan: undertake awareness initiative of the new CFGB's Code of conduct.
 - Enhance Management practices and procedures to ensure the Board is consistent with MAF areas of management lines of evidence: implementation of the Internal Control Policies project; continuation of the CLF compliance (Phases 2 and 3); support initiatives to improve the productivity, efficiency and effectiveness of operations and service delivery; implementation of the CFGB's 5 year Investment Plan.

Risk Analysis

Organizational Context

Since it began operations in 2000, the Canadian Forces Grievance Board has been the external and independent component of the CF grievance process.

The Board reviews all military grievances referred to it by the CDS, as stipulated in the NDA and article 7.12 of the *Queen's Regulations and Orders for the Canadian Forces* (QR&Os). Following its review, the Board submits its findings and recommendations (F&R) to the CDS, at the same time forwarding a copy to the grievor; the CDS is the final decision-maker. The CDS is not bound by the Board's report, but must provide reasons, in writing, in any case where the Board's F&R are not accepted. The Board also has the obligation to deal with all matters as informally and expeditiously as the circumstances and the considerations of fairness permit.

The types of grievances that must be referred to the Board are those involving administrative actions resulting in deductions from pay and allowances, reversion to a lower rank or release from the CF; application or interpretation of certain CF policies, including those relating to conflict of interest, harassment or racist conduct; pay, allowances and other financial benefits; and entitlement to medical care or dental treatment.

In addition the CDS also has the discretion to refer any other grievance to the Board.

External Context

Principled Approach

In 2009, the CFGB, in coordination with the CF, began evaluating a new model for the referral of grievances, which the Board believes will add to the fairness and transparency of the military grievance process. Currently, as indicated above, only certain categories of grievances are referred to the Board for review. Therefore, not every grievor whose grievance has reached the Final Authority (FA) level benefits from the Board's external review of his or her complaint. Under this new "*principled approach*" to grievance referrals, the Board reviews all grievances at the final authority level where the CF is unable to resolve the matter to the satisfaction of the grievor; these files are forwarded to the Board with a CF synopsis or position. In October 2010, the AFC approved a trial period to start in January 2011. The project was regrettably put on hold in October 2011, but with the intention to resume in 2012. If implemented, the Board may see an increase in the number of grievances referred to it under this model.

The Second Independent Review of Bill C-25

The Honourable Patrick J. LeSage, a retired Chief Justice of the Ontario Superior Court of Justice, was appointed by the Minister of National Defence to conduct the second independent review¹ of Statutes of Canada 1998, c. 35 ("Bill C-25"), and an independent review of Statutes of Canada 2008, c.29 ("Bill C-60").

The CFGB participated in this review and submitted to Justice LeSage several recommendations which may, in the Board's opinion, improve certain aspects of the grievance process. The Board particularly noted that restricting its review to certain types of grievances, as per the current regulations, *"may be impacting negatively on the perceived fairness of the grievance process."*

The Board also offered several suggestions intended to facilitate its work and enhance its efficiency. The Board is hopeful that the LeSage report, which was submitted to the Minister of National Defence at the end of 2011, will lead to improvements in the timeliness, efficiency and fairness of the grievance process.

The Board will assess the recommendations from the report and the impact it will have on its operations.

Measures Affecting Operating Budgets

Budget 2011 built upon the actions taken in Budget 2010 to return the Government of Canada to balanced budgets. Budget 2010 introduced cost containment measures to reduce operating spending across government. For the CFGB, the impact consists of absorbing increases resulting from new collective bargaining agreements. Budget 2011 introduced measures that will directly impact the CFGB's budgets and programs. The launch of a comprehensive one-year SOR aimed to improve the efficiency and effectiveness of government operations and programs.

The Board has no control over the volume of cases referred to it by the CF. The key risk associated with reduced financial resources is a reduction in the capacity to respond to increases in the volume of cases referred, while respecting internal productivity standards and complying with its statutory obligation to deal with cases as expeditiously as possible. The challenge facing the Board will be to maintain production standards and the high quality of F&Rs, with fewer resources.

¹ The Minister of National Defence is required to arrange every five years for an independent review of the provisions and operation of Bill C-25, *an Act to Amend the National Defence Act and to make consequential amendments to other Acts*. A first independent review was conducted in 2003 by the late Chief Justice Antonio Lamer.

Planning Summary

Financial Resources (\$ thousands)

2012-13	2013-14	2014-15
6,672	6,672	6,672

Human Resources (Full-Time Equivalents* - FTEs)

2012-13	2013-14	2014-15
46	46	46

*Includes Board Members appointed by Governor in Council.

Strategic Outcome: The Chief of the Defence Staff and members of the Canadian Forces have access to a fair, independent and timely review of military grievances.

Performance Indicators	Targets
Percentage of clients who are satisfied with the Board's ability to improve the administration of the affairs of the Canadian Forces (CF) through the quality of its Findings and Recommendations (F&Rs) and the information tools it provides.	Data Source: Survey & interview of CF members, decision makers & administrators. At least 75% of respondents agree and strongly agree.
Trend in the % of surveyed grievors who are satisfied with the fairness, equity and transparency of the process.	Data Source: Grievor Survey. 70% of grievors agree and strongly agree.
% of Systemic recommendations accepted by the Chief of the Defence Staff (CDS).	Data Source: CDS Decisions where he agreed a systemic recommendation merited further action. 75% accepted.
% of CFGB's grievance process timeline standards met.	Data Source: CFGB statistics and monitoring information. Established standards are being met 75% of the time.

Planning Summary Table

Program Activity	Forecast Spending 2011-12	Planned Spending (\$ thousands)			Alignment to Government of Canada Outcomes
		2012-13	2013-14	2014-15	
Review of Canadian Forces grievances	3,966	4,291	4,291	4,291	Well-managed and efficient government operations
Total Planned Spending	3,966	4,291	4,291	4,291	

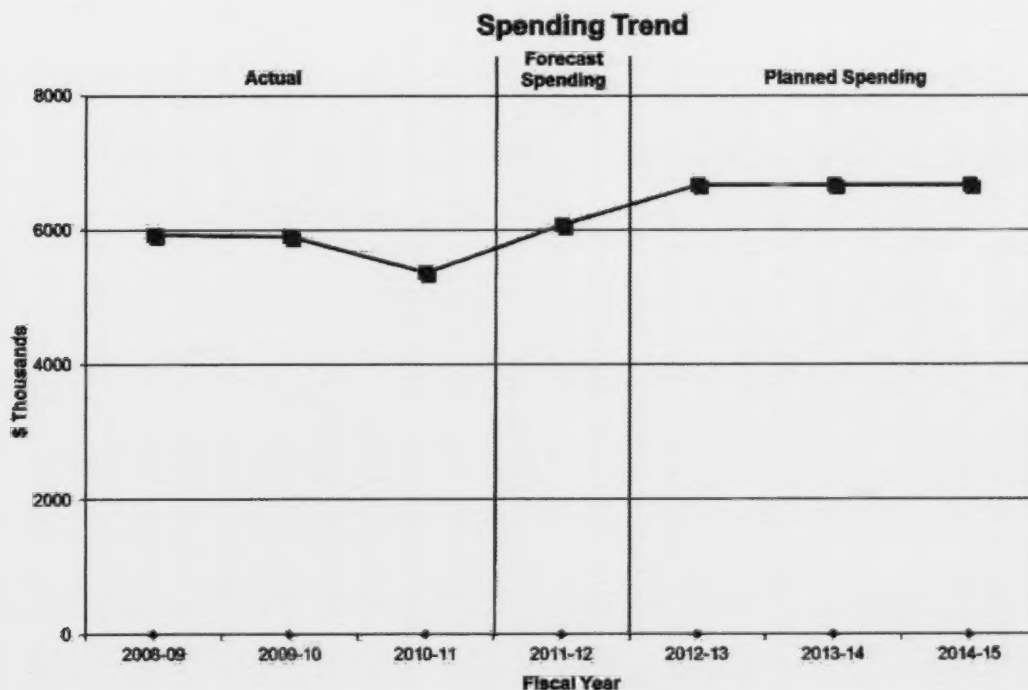
Planning Summary Table

Program Activity	Forecast Spending 2011-12	Planned Spending (\$ thousands)			
		2012-13	2013-14	2014-15	
Internal Services	2,110	2,381	2,381	2,381	
Total Planned Spending	2,110	2,381	2,381	2,381	

Expenditure Profile

For 2012-13 fiscal year, the Board plans to spend \$ 6,672 million to meet the expected results of its program activities and contribute to its strategic outcome. Over the past few years, the Board has generally been consistent in its rate of spending.

Figure 2



Estimates by Vote

For information on our organizational vote and statutory expenditures, please see the 2012-13 Main Estimates publication. An electronic version of the Main Estimates is available at <http://www.tbs-sct.gc.ca/est-pre/20122013/me-bpd/info/info-eng.asp>.

Section II – Analysis of Program Activities by Strategic Outcome

Strategic Outcome

Figure 3

<p style="text-align: center;">Strategic Outcome The Chief of the Defence Staff and members of the Canadian Forces have access to a fair, independent and timely review of military grievances.</p>
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Program Activity: Review Canadian Forces grievances

Program Activity Description

The Chief of the Defence Staff refers grievances as prescribed under the *Queen's Regulations and Orders for the Canadian Forces* as well as every grievance concerning a decision or an act of the Chief of the Defence Staff in respect of a particular officer or non-commissioned member to the Board for its findings and recommendations. The Board conducts objective and transparent reviews of grievances with due respect to fairness and equity for each member of the Canadian Forces, regardless of rank or position. It ensures that the rights of military personnel are considered fairly throughout the process and that its Board Members act in the best interest of the parties concerned. The findings and recommendations it issues are not only based in law but form precedents that may facilitate change within the Canadian Forces. As an administrative tribunal designed to review grievances, the Board must ensure that its recommendations comply with the law and can be implemented in accordance with its enabling legislation, relevant human rights legislation and the *Canadian Charter of Rights and Freedoms*.

Financial Resources (\$ thousands)

2012-13	2013-14	2014-15
4,291	4,291	4,291

Human Resources (Full-Time Equivalents - FTEs)

2012-13	2013-14	2014-15
32	32	32

Program Activity Expected Results	Performance Indicators	Targets
Intermediate Outcome – Enhanced confidence in the grievance process and the administration of the affairs of the Canadian Forces.	% of stakeholders that agree that the external review provided by the CFGB adds to the adjudicative fairness of the process.	Data Source: Stakeholders Survey. 75% of stakeholders agree and strongly agree.
Immediate Outcome – The Chief of the Defence Staff is assisted in rendering decisions on grievances and is informed of systemic issues.	% of F&Rs with which the CDS disagrees on the basis of errors in law or fact.	Data Source: CDS Decisions. Less than 10% of the cases upon which the CDS disagrees, or 1% of all files.
Immediate Outcome – Stakeholders have an increased awareness and understanding of the CF grievance process, regulations, policies and guidelines affecting Canadian Forces members.	% of positive feedbacks from CF Initial authorities on the usefulness of publications of case summaries, systemic recommendations and lessons learned.	Data Source: Interviews of CF Initial Authorities. 75% of respondents agree and strongly agree.

Planning Highlights

In order to achieve the expected results, the following highlights some of the key activities which the Board plans to undertake during 2012-13:

➤ **Maintain operational efficiency**

Operational efficiency remains a priority at the Board in order to respond to its obligation to review grievances “expeditiously” and to contribute to a fair and transparent military grievance process. The progress made by the Board in terms of efficiency validates the measures introduced to streamline its internal review processes while ensuring that the quality of the Board’s work remains at a very high standard.

In light of these improvements, the Board is planning to review its productivity standards to better reflect its improved efficiency and support the CDS’ intention to have the grievance process take less than one year from the time a member submits a grievance to his/her Commanding Officer to the point at which the final decision is rendered by the FA.²

² Chief of the Defence Staff Annual Report on the Canadian Forces Grievance System 2010.

➤ **Readiness to support the “*principled approach*”.**

In January 2011, the Board commenced a six month trial of a new approach for the referral of grievances, which had been approved by the AFC, the senior executive body of the CF. Under this “*principled approach*,” the CF would refer to the Board all unresolved grievances that reach the FA level. Currently, the Board’s review is limited to only four types of grievances, which represent approximately 40% of the total number of grievances that reach the FA level.

Regrettably, the CF suspended the pilot project in October with the intention of resuming the trial in 2012. The Board remains committed to the “*principled approach*” and is ready for a full-scale implementation of this new model which proved beneficial to all parties involved. The Board is hopeful that the CF will permanently adopt the “*principled approach*” or any similar model where all CF members whose grievances reach the FA level have equal access to an independent review of their cases.

➤ **Communicate the results of our review of grievances.**

Communicating the Board’s role and the results of its work remains a priority. Through its publication and articles, the Board provides real-time important information to senior leadership, decision makers, administrators and CF members as well as sharing with stakeholders its unique perspective on issues that come to its attention while reviewing grievances.

The Board’s key communications activities include the following:

- Case summaries and recommendations on issues of systemic nature posted to the CFGB’s Web site: summaries and recommendations of the last three years provide the reader with a wealth of information on policies and regulations as well as on grievance issues.
- Editions of Perspectives, a newsletter primarily directed to senior officers at DND Headquarters: through Perspectives, the Board shares with CF decision-makers valuable information about grievance trends and areas of dissatisfaction that come to the attention during the review of individual grievances.
- e Bulletin: Electronic bulletin available exclusively through the Board’s Web site which highlights current and interesting cases recently reviewed by the Board.
- Presentation Surveys: A survey developed for base personnel attending the Board’s presentations during base visits.
- Stakeholders Surveys: As part of its Performance Measurement Framework, the Board will survey some key stakeholders on the usefulness of its publications as a tool for CF senior leadership, decision makers, administrators involved in the CF grievance process.

The Board will conduct evaluations of the effectiveness of communications activities and will continue to develop tools to obtain feedback from stakeholders and target audiences.

Program Activity: Internal Services

Program Activity Description

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations or an organization. These groups are: Management and Oversight Services; Communication Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Materiel Services; Acquisition Services and Travel and Other Administrative Services. Internal Services include only those activities and resources that apply across an organization and not to those provided specifically to a program.

Financial Resources (\$ thousands)

2012-13	2013-14	2014-15
2,381	2,381	2,381

Human Resources (Full-Time Equivalents* - FTEs)

2012-13	2013-14	2014-15
14	14	14

Planning Highlights

In order to achieve the expected results, the following highlights some of the key activities which the Board plans to undertake during 2012-13:

➤ **Information Management/Information Technology (IM/IT) Policies and Plan**

The CFGB has aligned itself with the GoC's priorities and standards by complying with Treasury Board's IM/ IT policy suites in the establishment of the CFGB IT Plan. The CFGB IT Plan has positioned the Board to implement initiatives to increase productivity and efficiency, transform business processes and reduce costs. The key projects include leveraging the Board's virtualized server infrastructure and upgrading business software suites and piloting a desktop virtualization initiative.

➤ **Stewardship of Resources**

The Treasury Board Policy on Internal Control of April 1, 2009, required all departments to ensure the establishment, maintenance, monitoring and review of their

departmental system of internal control to mitigate risks in high level categories including the effectiveness and efficiency of programs operations; assets and resource management; the reliability of financial reporting; and compliance with legislation, regulations, policies and delegated authorities.

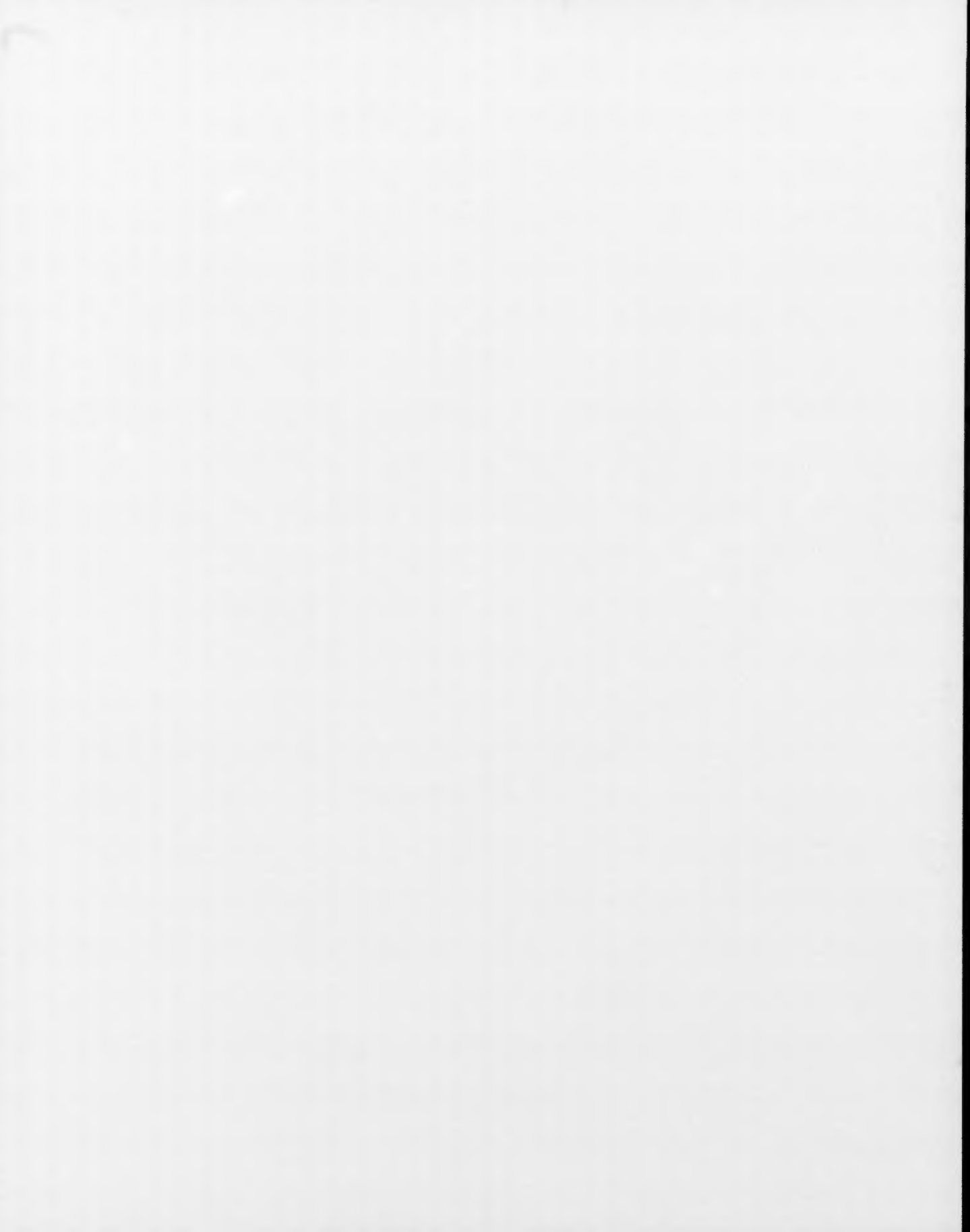
In 2012-13 the Canadian Forces Grievance Board (CFGB) will conduct testing of the documented control design of key business processes, such as financial management, reporting and systems, internal/external communication, and inventory and assets management. The purpose will be to verify the integrity of these processes and associated information, and ensure that the processes are consistent with established accounting standards and policies. This implementation will represent the final phase of a three year initiative to reduce risks related to the stewardship of financial resources through effective internal controls.

➤ **Focus on Productivity and Efficiency**

The CFGB will support initiatives to improve the productivity and efficiency of operations and service delivery, transform business processes and identify savings.

The Board will support planned initiatives while implementing and maintaining new policy and reporting requirements in the areas of government security, information technology, information management, investment planning, financial reporting and internal control.

To achieve financial stability and maximize efficiency while maintaining essential core operations, Internal Services will expand the application of a risk-based and integrated approach to the implementation of proposed initiatives, with particular attention to physical and information security, information technology and information management.



Section III – Supplementary Information

Financial Highlights

Future-Oriented

Condensed Statement of Operations

For the Year (ended March 31)

(\$ thousands)

	\$ Change	Future-Oriented 2012-13	Future-Oriented 2011-12
Total Expenses	9.82%	6,672	6,075
Total Revenues		–	–
Net Cost of Operations		6,672	6,075

Condensed Statement of Financial Position

For the Year (ended March 31)


(\$ thousands)

	\$ Change	Future-Oriented 2012-13	Future-Oriented 2011-12
Total assets	-10.10%	623	693
Total liabilities		831	894
Equity	-3.48%	(208)	(201)
Total	-10.10%	623	693

Future-Oriented Financial Statements

The financial highlights presented within this Report on Plans and Priorities are intended to serve as a general overview of the CFGB's operations. The Board's financial statements can be found on the CFGB's website at: <http://www.cfgb-cgfc.gc.ca>

Supplementary Information Tables

The following electronic information table is located on the Treasury Board of Canada Secretariat's website at:  <http://www.tbs-sct.gc.ca/rpp/2012-2013/index-eng.asp>.

- Greening Government Operations

Section IV – Other Items of Interest

Visit the Board's Web site at <http://www.cfqb-cqfc.gc.ca/> for more information. We invite you to consult some of the grievance cases for which the Board has issued F&Rs in the Case Summaries section, which is updated on a regular basis as well as statistical data over the last five years in the Statistics section. You can also learn more about the Board's role in the Canadian Forces Grievance Process section

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